

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814  
(916) 322-5330



April 16, 1984

ALL-COUNTY LETTER NO. 84-45

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: IMPLEMENTATION OF AFDC COURT ORDER, WILLIAMS v. WOODS

REFERENCE: MPP 44-113.3

On March 9, 1984 the San Francisco Superior Court issued a final judgment and writ of mandate in the case of Williams v. Woods (No. 787 379). A copy of the Peremptory Writ of Mandate is attached. This class action applies to minor parents and their children who live with a non-needy parent who is the representative payee for the minor parent's OASDI benefits. The Writ prohibits application of MPP Sections 44-113.3, 44-115.72, 44-115.81, 44-133.1 and 44-205.231 to the extent that these regulations conclusively presume that OASDI benefits paid to a non-needy parent representative payee are available to support the minor parent and his/her child.

You are hereby instructed to comply with this Writ effective May 1, 1984 by applying the procedures set forth below to all applications where authorizing action is taken on or after May 1, 1984, and to continuing cases beginning with the June 1984 grant. These instructions supersede MPP 44-113.3.

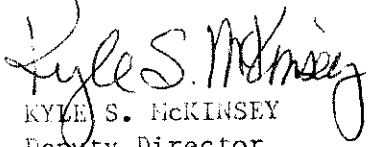
To implement this Writ, you must explain to applicant and recipient minor parents who live with a non-needy parent that the OASDI benefits received by the non-needy parent as representative payee are paid for the minor parent. You must ask how much of the OASDI benefit is made available in cash to the minor parent. Verification must be obtained in the form of a sworn statement signed by the minor parent and by the non-needy parent. The full amount of the minor parent's OASDI benefit is no longer to be considered income to the assistance unit unless it is all made available. Instead, only the amount of cash actually made available by the non-needy parent will be considered income to the minor parent. Current regulations regarding in-kind income (44-115.72 and 44-115.81) and composition of the assistance unit (44-205.231) remain in effect. No action is required where a minor parent is

also a child in an existing assistance unit (44-205.221), where a minor parent lives with a needy parent (whether aided or unaided), or where the minor parent is not living with at least one of his/her parents.

The Department intends to promulgate MPP Division 44 regulations on an emergency basis. In the meantime, this letter shall serve as the basis for compliance with the Peremptory Writ of Mandate.

The Writ further requires the Department to implement its retroactive provisions within 100 days. In order to do so, the Department is in the process of developing emergency MPP Division 50 regulations. It is anticipated that these regulations will be effective on June 1, 1984. Additional information concerning MPP Division 50 regulations will be provided to you as soon as possible so that you will have the maximum time available to prepare for implementation.

If you have any questions concerning the prospective application of the Writ, please contact Barbara Cox at (916) 322-5330. If you have any questions concerning the retroactive provisions, please contact Mara Jukich at (916) 322-5387.

  
KYLE S. MCKINSEY  
Deputy Director

Attachment

cc: CWDA

ENDORSED  
FILED

San Francisco County Superior Court

MAR - 9 1984

ROBERT P. CAPISTRANO  
JOEL K. HARTER  
SAN FRANCISCO NEIGHBORHOOD  
LEGAL ASSISTANCE FOUNDATION  
870 Market Street, 11th Floor  
San Francisco, California  
Telephone: (415) 433-2535

Attorneys for Petitioners

THE ANNEXED INSTRUMENT IS A  
CORRECT COPY OF THE ORIGINAL  
ON FILE IN MY OFFICE  
ATTEST: CERTIFIED

BY: Martin P. Anshu  
Deputy Clerk

MAR - 9 1984

DONALD W. DICKINSON, COUNTY CLERK OF SAN  
FRANCISCO AND EX-OFFICIO CLERK OF THE  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
AND FOR THE CITY AND COUNTY OF SAN FRANCISCO.

BY: [Signature]  
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

VERONICA WILLIAMS, et al.,

Petitioners,

No. 787 379

vs.

PEREMPTORY WRIT  
OF MANDATE

MARION J. WOODS, et al.,

Respondents.

CLASS ACTION

The People of the State of California

To : MARION J. WOODS, Director of the Department of Social  
Services, State of California, and to MARIO OBLEDO,  
Secretary of the Health and Welfare Agency, State of  
California, respondents:

Judgment having been entered in this action ordering  
that a peremptory writ of mandate be issued from this Court,  
YOU ARE HEREBY COMMANDED immediately upon receipt of  
this writ:

1. To set aside the decisions in the administrative  
proceedings entitled Matter of Veronica Williams (dated November  
6, 1980) and Matter of Carmen Jackmon (dated April 10, 1981)

1 which proceedings are hereby remanded to you to reconsider said  
2 decisions in the light of the Court's Judgment and to take any  
3 further action specially enjoined upon them by law;

4 2. To cease enforcement of your Manual of Policy and  
5 Procedures, specifically including Sections 44-113.3, 44-115.72,  
6 44-115.81, 44-133.1 and 44-205.231, to the extent that these  
7 regulations conclusively presume that Old Age, Survivors, and  
8 Disability Insurance ("OASDI") benefits, paid to the  
9 representative payee of a member of the class of minor mothers,  
10 are available to support the children of said minor mother class  
11 member, for the purpose of calculating the amount of AFDC  
benefits to be awarded;

12 3. To cease enforcement of any provision of your  
13 Manual of Policy and Procedures, specifically including Sections  
14 44-113.3, 44-115.72, 44-115.81, 44-133.1 and 44-205.231, to the  
15 extent that these regulations conclusively presume that OASDI  
16 benefits and "in-kind" benefits extended to each member of the  
17 class of minor mothers are separate resources independently  
18 available to said minor mother class member, for the purpose of  
19 calculating the amount of AFDC benefits to be awarded.

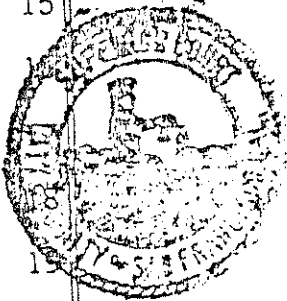
20 4. To set aside the determinations, decisions or other  
21 actions made or taken with respect to the eligibility for and  
22 amount of AFDC to be awarded to (a) each member of the class of  
23 minor mothers, and (b) each member of the class of eligible needy  
24 children of the minor mothers, retroactive to November 12, 1978;  
25 and to reconsider said determinations, decisions and actions in  
26 the light of the Court's Judgment, and to take any further action  
27 specially enjoined upon them by law; through the following  
28

1 procedure:

2 a. Within 100 days of the issuance of this writ  
3 of mandate, respondents shall notify the  
4 members of the two classes herein of terms  
5 of the Judgment and will request all class  
6 members to apply to their county welfare  
7 department for redetermination of their  
8 retroactive AFDC eligibility within three  
9 months after receipt of the notice.

10 b. Such notification shall be accomplished by  
11 (1) mailing notices in English and Spanish  
12 with all CA-7 AFDC continuing eligibility  
13 forms to all current AFDC beneficiaries, or  
14 at the option of the county, either with  
15 the AFDC grant warrant to all current AFDC  
beneficiaries, or by separate mailing, and  
16 (2) posting the notice in English and  
17 Spanish in the lobbies and waiting rooms of  
18 all county welfare offices, all Social Security  
19 Administration offices, and all California  
20 food stamp outlets. Such notice shall be  
21 submitted to petitioner's counsel for approval  
22 or, if such approval is not obtained, to this  
23 Court for approval, prior to mailing and  
24 posting.

25 c. County welfare departments will redetermine  
26 AFDC eligibility under the terms of this  
27 Judgment and make restitution of grant  
28



amounts unlawfully withheld within 60 days  
of the application for redetermination.

d. Within 60 days after issuance of this writ  
of mandate, the Department of Social Services  
will notify all county welfare departments  
of the terms of the Judgment and the rights  
of claimants, and will instruct the counties  
to aid and assist claimants in obtaining  
restitution as appropriate.

5. To award petitioners their reasonable attorney's  
fees.

YOU ARE FURTHER COMMANDED to file a return with this  
Court ten months after entry of Judgment, reporting in detail the  
actions taken by respondents to comply with the Judgment,  
including identifying and notifying members of the two classes,  
indicating by county the number of claims filed by class members,  
the number of claims granted and denied and the amount of  
benefits awarded.

DATED: \_\_\_\_\_

MAR 08 1984

STUART R. POLLAK

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

